

REMARKS

Claims 1-62 are pending and are unamended. The specification was amended to conform to the breakup of Fig. 1 and Fig. 8A into two parts to meet the PTO text sizing requirements when formal drawings were prepared. No new matter was added in the formal drawings.

Withdrawal of all rejections is respectfully requested for at least the reasons set forth below.

Formal Drawings

A "TRANSMITTAL OF FORMAL DRAWINGS PRIOR TO NOTICE OF ALLOWANCE" accompanies this Amendment. Prompt review and approval of the Formal Drawings are respectfully requested.

Request for correction to PTO-892

The "Notice of References Cited" Form PTO-892 incorrectly lists the applied reference, U.S. Patent No. 6,430,542 (Moran) as 6,430,541 (Brown et al.). Applicants request that the Examiner correct this error by deleting Brown et al. from the PTO-892 and adding Moran to the PTO-892.

35 USC § 103(a) rejection

Claims 1-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,542 (Moran) in view of U.S. Patent No. 6,601,044 (Wallman). Withdrawal of this rejection is respectfully requested for at least the reasons set forth below.

Although Applicants believe that this rejection is an improper hindsight reconstruction of the present invention, Applicants nonetheless submit herewith a Declaration under 37 C.F.R. §1.131 that establishes completion of the present invention at a date prior to August 26, 1998, which is the effective date of Moran '542.

Accordingly, Moran '542 cannot be prior art against the present invention. For this reason, the Examiner's rejection of claims 1-62, which relies upon Moran '542 for a disclosure of at least elements and steps (a), (c) and (e), must be withdrawn. Furthermore, Wallman '044 does not make up for this deficiency.

Effective Date of Moran '542

Moran '542 claims priority from U.S. Application No. 08/684,344 filed July 19, 1996, now U.S. Patent No. 5,819,263 (Bromley et al.). Applicants have carefully reviewed Bromley et al. and none of the portions of Moran '542 relied upon by the Examiner in the outstanding Office Action appear in Bromley et al. Accordingly, Moran '542 cannot rely upon Bromley et al. to obtain an earlier effective date against Applicants' invention.

Conclusion

Insofar as the Examiner's rejections were fully addressed, the instant application is in condition for allowance. A Notice of Allowability of all pending claims is therefore earnestly solicited.

Respectfully submitted,

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March 3, 2005 By: Clark Jablon
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